

House File 2178 - Introduced

HOUSE FILE 2178

BY WOLFE, ABDUL-SAMAD, and
BERRY

A BILL FOR

1 An Act relating to the fines assessed for operating a motor
2 vehicle while intoxicated.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph c, Code
2 2016, is amended to read as follows:

3 c. Assessment of a fine of one thousand two hundred
4 fifty dollars. However, in the discretion of the court,
5 if no personal or property injury has resulted from the
6 defendant's actions, the court ~~may~~ shall waive ~~up to~~ six
7 hundred twenty-five dollars of the fine when the defendant
8 presents to the court at the end of the minimum period of
9 ineligibility a temporary restricted license issued pursuant
10 to [section 321J.20](#).

11 (1) Upon the entry of a deferred judgment, a civil penalty
12 shall be assessed as provided in [section 907.14](#) in an amount
13 not less than the amount of the criminal fine authorized
14 pursuant to this paragraph "c".

15 (2) As an alternative to a portion or all of the fine,
16 the court may order the person to perform unpaid community
17 service. However, the court shall not order the person to
18 perform unpaid community service in lieu of a civil penalty or
19 victim restitution. Surcharges and fees shall also be assessed
20 pursuant to [chapter 911](#).

21 (3) Notwithstanding section 907.3 or any other provision
22 of law to the contrary, the court may waive all or a portion
23 of the fine authorized pursuant to this paragraph "c" if the
24 court finds the person's household income is less than the
25 median household income of the county in which the conviction
26 occurred.

27 Sec. 2. Section 321J.2, subsection 4, paragraph b, Code
28 2016, is amended to read as follows:

29 b. Assessment of a minimum fine of one thousand eight
30 hundred seventy-five dollars and a maximum fine of six thousand
31 two hundred fifty dollars. Surcharges and fees shall be
32 assessed pursuant to [chapter 911](#). Notwithstanding section
33 907.3 or any other provision of law to the contrary, the court
34 may waive all or a portion of the fine authorized pursuant to
35 this paragraph "b" if the court finds the person's household

1 income is less than the median household income of the county
2 in which the conviction occurred.

3 Sec. 3. Section 321J.2, subsection 5, paragraph b, Code
4 2016, is amended to read as follows:

5 b. Assessment of a minimum fine of three thousand one
6 hundred twenty-five dollars and a maximum fine of nine thousand
7 three hundred seventy-five dollars. Surcharges and fees shall
8 be assessed pursuant to chapter 911. Notwithstanding section
9 907.3 or any other provision of law to the contrary, the court
10 may waive all or a portion of the fine authorized pursuant to
11 this paragraph "b" if the court finds the person's household
12 income is less than the median household income of the county
13 in which the conviction occurred.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 Under current law, a court is required to assess a fine of
18 \$1,250 to a person convicted of a first offense of operating
19 while intoxicated (OWI), a fine of between \$1,875 and \$6,250
20 to a person convicted of a second offense of OWI, and a fine
21 of between \$3,125 and \$9,375 to a person convicted of a third
22 offense of OWI. This bill provides that the court may waive
23 all or a portion of these fines if the court finds the person's
24 household income is less than the median household income of
25 the county in which the conviction occurred.

26 In addition, current law provides that a court may waive up
27 to half of the fine assessed to a person convicted of a first
28 offense of OWI if the person presents a temporary restricted
29 license to the court at the end of the minimum period of
30 driver's license ineligibility. The bill requires the court to
31 waive half of the fine in that circumstance.